

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RESIGHINI RANCHERIA, *et al.*,

No. C-11-6710 EMC

Plaintiffs,

v.

CHARLTON H. BONHAM, individually and
in his official capacity as Director of the
California Department of Fish and Game,

Defendant.

**ORDER GRANTING DEFENDANT'S
MOTION TO HOLD PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
IN ABEYANCE**

(Docket No. 17)

Currently pending before the Court is Mr. Bonham's motion to hold Plaintiffs' motion for summary judgment in abeyance until after the Court has ruled on his motion to dismiss. Having considered the parties' briefs, the Court finds this matter suitable for disposition without oral argument and **VACATES** the hearing set for April 27, 2012. Mr. Bonham's motion is hereby **GRANTED**. Taking into account the interests of the parties as well as those of the Court, the Court concludes that it is appropriate to resolve Mr. Bonham's motion to dismiss first, particularly because the motion is not frivolous and Plaintiffs have not provided any concrete evidence that they would be prejudiced should Mr. Bonham's motion to dismiss proceed before their motion for summary judgment.

However, to alleviate potential prejudice to Plaintiffs a result of any delay, the Court shall advance the hearing on Mr. Bonham's motion to dismiss. Currently, that motion is set for hearing on June 22, 2012. The Court hereby **VACATES** that hearing date and advances the hearing on the motion to dismiss to **May 25, 2012, at 1:30 p.m.** The briefing schedule is modified as follows:

1 Plaintiffs' opposition to the motion to dismiss shall be filed by May 4, 2012, and the reply brief shall
2 be filed by May 11, 2012.

3 If the Court denies the motion to dismiss, then it shall thereafter set a new hearing date and
4 briefing schedule for the motion for summary judgment. The hearing date of June 22, 2012, for the
5 motion for summary judgment -- as well as the related briefing schedule -- is hereby **VACATED**.

6 This order disposes of Docket No. 17.

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8 IT IS SO ORDERED.

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10 Dated: April 24, 2012



EDWARD M. CHEN
United States District Judge